

TCR Program – Application Approval Project # 2

Santa Clara / Fremont-South Bay Commuter Rail; acquire rail line and start commuter rail service between Fremont and San Jose in Santa Clara and Alameda Counties.

(\$ X 1,000)

Estimated Project Cost: \$80,000

Total TCRP Funds Available: \$35,000

Lead Agency: Santa Clara Valley Transportation Authority (VTA)

TCRP Funds covered by the application: \$35,000

Phases(s) covered in application: 3

Implementing Agency: VTA

TCRP allocations approved (as of May 9, 2002): \$0

Advance approved: \$35,000

for Phase(s): N/A

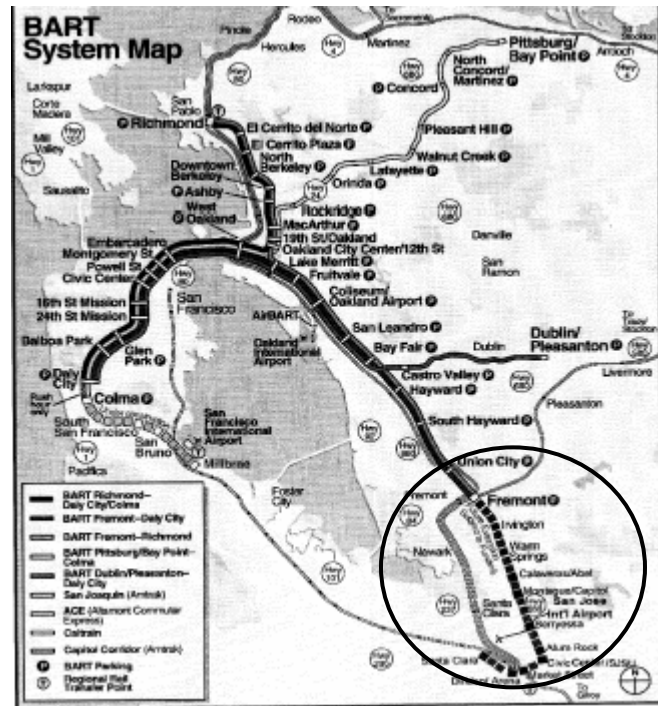
for Phase(s): N/A

Project Summary

The purpose of this project is to acquire existing railroad right-of-way currently owned and operated by the Union Pacific Railroad (UPRR) and known as the Milpitas Subdivision and the San Jose Industrial Lead. The right of way runs along the Fremont-South Bay Transportation Corridor, which runs parallel to I-880 and I-680 highways in Alameda and Santa Clara Counties.

The right-of-way to be acquired is approximately 17.3 miles in length, generally 60 to 80 feet in width. The approximate limits of the portion to be acquired are north of Paseo Padre Parkway in Fremont and to Control Point Michael (at Highway 87) in San Jose.

The right of way, once acquired, will be used for the preferred mass transportation alternative selected under TCRP #1 – Extend BART from Fremont to downtown San Jose.



Cost and Schedule (\$ x 1,000)

Phase	Scope	Start	End	Cost
1	Environmental Review -CE	8/01	8/01	
3	UPRR Right of Way Acquisition	1/00	1/03	\$80,000
Total:				\$80,000

Funding Plan (\$ x 1,000)

Source	Type		Phase 1	Phase 2	Phase 3	Phase 4	Total
TCRP #2	State	Committed			\$35,000		\$35,000
		Proposed					
TCRP #1.2	State	Committed			\$45,000		\$45,000
		Proposed					
	Totals:	Committed			\$80,000		\$80,000
		Proposed					
		Totals:			\$80,000		\$80,000

TCR Program – Application Approval Project #2
Page 2 of 2

Prior TCRP Action: The original application for this alternative project was approved on May 9, 2002, under Resolution TA-02-07. For cash flow purposes, an advance of \$35,000,000 towards the purchase of the rail line was also approved. A minor amendment to extend the end date for right of way acquisition was approved September 4, 2002.

Section 14556.12(b)(1) of the Government Code (GC) stipulates that under certain conditions the lead applicant may submit an application for an alternate project specified in Section 14556.40. Two of the conditions stipulated under GC Section 14556.12(b)(1) apply to this alternative project application. The two conditions are 1) if sufficient matching funds are not available to complete the project, and 2) if the specified project is not included in or consistent with the respective RTP.

Status of Conditions: The following conditions were set forth under Resolution TA-02-07:

- Prior to an allocation of funds for right of way capital, Department Right of Way staff must review real estate appraisals for methodology of valuation, and report findings to the Commission prior to Commission allocation.
- In the event that any portion of the right-of-way acquired under this project approval is not used for transit purposes and is later resold, the Department shall be entitled to a refund or credit, at the Department's option, of the then fair market value, unless VTA requests, and receives approval from the Department, that the proceeds from the resale of right of way be reinvested in the BART Extension from Fremont to Downtown San Jose project.
- In the event that the BART or Commuter rail service is not established by 2012, the VTA shall return to the State the \$35 million from this application, as well as \$45 million from TCRP Project #1.2, plus interest based upon the rate received by the Pooled Money Investment Account (PMIA), or shall update the Commission on progress to establish the service and seek Commission approval to defer this repayment provision.
- Prior to an allocation of capital funds for TCRP Sub-Project #1.2, the VTA shall update the project application to reflect the revised funding plan and to reflect the condition of repayment as stated above.

Discussion/Issues: No issues. The right of way acquisition project is categorically exempt under CEQA. Regional Transportation Plan documentation on file.


VTA to submit an amended application to request an advance of the \$45,000,000 under TCRP Project #1.2, for the acquisition of the UPRR corridor under this application.



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